

REMARKS***Response to Restriction Requirement***

Pursuant to the Restriction Requirement stated in the Action of July 17 2008, Applicant hereby elects the invention of Group III, with traverse and subject to the following comments, for prosecution in this application. The claims have been amended to comport with this election, and each of claims 21-24 and 27-34 encompass the elected invention.

Applicant traverses the restriction requirement with respect to certain of the Examiner's characterizations and reasoning as set out in the paragraph numbered "2" at page 2 of the Action. While Applicant does not now contest the Examiner's discretion to restrict the claims as has been done, Applicant does not acknowledge, and expressly reserves the right to argue against, the Examiner's characterizations of the compounds and/or references, and the reasoning and conclusions reached in such paragraph numbered "2", should any such characterization, reasoning and/or conclusion for a part of the rejection of any claim herein.

Claim Amendments

Claims 1-16 were previously cancelled, and claims 17-20 and 25-26 are newly cancelled above as being directed toward non-elected subject matter. These claims have been cancelled because it is understood that they would not be eligible for rejoinder inasmuch as method of treatment claims have been elected.

Claims 21-24 have been amended to remove their dependency on now-cancelled claims.

New claims 31-34 have been added, and find support in the specification as follows:

- Claim 31 is dependent on claim 29 or 30, and is directed toward the cancer being kaposi's sarcoma, support being found at specification page 16, line 22.
- Claim 32 is dependent on claim 29 or 30, and is directed toward the cancer being selected from cancer of the colon, brain, thyroid, pancreas, bladder, breast, prostate, lungs, vulva and skin, support being found at specification page 16, lines 26-27 and page 17, lines 1-2.

- Claim 33 is dependent on claim 29 or 30, and is directed toward the cancer being selected from colorectal cancer and lung cancer, support being found at specification page 16, line 29.
- Claim 34 is dependent on claim 33, and is directed toward the cancer being lung cancer selected from mesothelioma and non small cell lung cancer, support being found at specification page 16, line 29.

These amendments are being made without disclaimer or prejudice to Applicant's right to prosecute any subject matter deleted thereby in one or more divisional or continuing applications. It should be clear from the above that no new matter has been added by these amendments, and entry thereof is believed to be in order and is respectfully requested.

Following entry of the above amendments, claims 21-24 and 27-34 are pending in this application.

Information Disclosure Statement

The Examiner's attention is called to the Information Disclosure Statement being submitted herewith, which includes a form PTO-1449 and a copy of each of the non-US patent/published application documents, as well as a copy of the International Search Report and the International Preliminary Examination Report. Each of the documents cited in the International Search Report is cited on the form PTO-1449 and a copy is provided therewith. The form PTO-1449 also lists the published US applications and corresponding published PCT applications cited on the Table of related cases of Applicant's assignee provided below, and a copy of the cited published PCT applications is provided with the Information Disclosure Statement.

Technically Related Pending Applications of Applicant's Assignee

The Examiner's attention is called to the following Table of technically related pending U.S. applications of Applicants' assignee, each of which claims a combination of AZD2171 with another therapeutic agent identified under the heading "Combination." The current status of each application as reported in the PAIR database is given in the right-hand column. Each of the published US applications and PCT applications is listed on the form

PTO-1449 attached to the Information Disclosure Statement being submitted herewith, and a copy of each listed published PCT application is provided with the Information Disclosure Statement.

It is assumed that the Examiner has ready electronic access to each of the pending US applications, but the undersigned will provide a copy of any document from these files if requested by the Examiner.

US Appln	Date US Filed	US Pub. #	PCT Pub. #	Combination with	Current Status
10/240413	01 Oct 2002	20030144298	WO2001/74360	Anti-hypertensive	Assigned to Examiner Charlesworth E Rae in GAU 1611; Response to Non-Final Office Action Entered and Forwarded to Examiner 07-25-2008
10/563440	05 Jan 2006	20060160775	WO 2005/004871	ZD6126	Assigned to Examiner Chris E Simmons in GAU 1612; Final Rejection Mailed 07-22-2008
10/563,439	January 5, 2006	US 2006-0167024 A1	WO 2005/004872	ZD1839	Assigned to Examiner Benjamin J Packard in GAU 1612; Non Final Action Mailed 09-10-2008
10/594233	25 Sep 2006	20080125447	WO 2005/092303	CPT-11 and/or 5-FU	Assigned to Examiner Shyam Nathan in GAU 4161;restriction mailed 11-Aug-2008
10/594234	25 Sep 2006	20070135462	WO 2005/092385	Taxane, optionally IR	Assigned to Examiner Charlesworth E Rae in GAU 1611; Non Final Action Mailed 06-19-2008
11/663912	27 Mar 2007	20080015205	WO 2006/035203	Imatinib [Gleevec]	Assigned to Examiner James D. Anderson in GAU 1614; Docketed - Ready for Examination.
11/994824	04 Jan 2008		WO 2007/003933	Gemcitabane [Gemzar]	Application Undergoing Preexam Processing; Not yet assigned or published
12/158,266	19-Jun-2008		WO 2007/071970	pemetrexed	Assigned to GAU 1614, no Examiner assigned; predicted first Action 39 months.

The Examiner's Attention is also called to the following Table of technically related pending U.S. applications of Applicants' assignee, each of which claims a combination of a platinum anti-tumour agent with another therapeutic agent identified under the heading

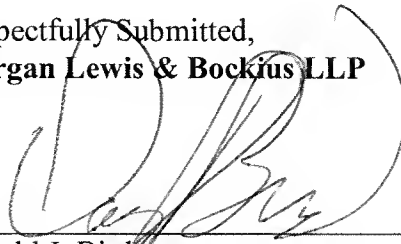
“Combination.” The current status of this application as reported in the PAIR database is given in the right-hand column. The published US applications and PCT application are listed on the form PTO-1449 attached to the Information Disclosure Statement being submitted herewith, and a copy of the listed published PCT application is provided with the Information Disclosure Statement.

Again, it is assumed that the Examiner has ready electronic access to this pending US application, but the undersigned will provide a copy of any document from these files if requested by the Examiner.

US Appl No.	Date US Filed	US Pub #	PCT Pub #	Combination	Current Status
10/536668	27-Aug-2005	US 2006-0167027	WO2005/004870	ZD6474	Pending before Examiner Rao, GAU 1614; Non-final rejection mailed March 17, 2008

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Director is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully Submitted,
Morgan Lewis & Bockius LLP



Date: September 17, 2008
Morgan Lewis & Bockius LLP
Customer No. **09629**
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Tel. No.: 202-739-3000
DJB:

By:

Donald J. Bird
Registration No. 25,323
Tel. No.: (202) 739-5320
Fax No.: (202) 739-3001